

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:

Jessica May Heimer

Debtor,

Anna Markley Bush and Bush & Heise

Plaintiffs,

vs.

Jessica May Heimer,

Defendant.

No. 15-29843

Chapter 7

Honorable Judge Schmetterer

COMPLAINT OBJECTING TO DISCHARGABILITY OF DEBT

NOW COMES the Creditor(s), ANNA MARKLEY BUSH and BUSH & HEISE (collectively referred to as “Bush”) by and through their attorney, Ross D. Secler, Esq., and submits this complaint objecting to the dischargeability of any debt owed to ANNA MARKLEY BUSH or to BUSH & HEISE under Bankruptcy Code §523 (11 U.S.C. §523), and in support thereof states as follows:

COUNT I:
THE DEBT DUE TO ANNA MARKLEY BUSH AND BUSH & HEISE IS NOT
DISCHARGEABLE UNDER BANKRUPTCY CODE SECTION 523(a)(5)

1. Richard J. Heimer and Debtor are parties to a Dissolution of Marriage proceeding pending in the Circuit Court of Cook County, Case Number 12 D 330844.

2. On or about October 9, 2014, Bush was appointed and employed by the Circuit Court as the Guardian Ad Litem for the parties’ minor child in connection with dissolution of

marriage, child custody, child support, and issues pending in the Circuit Court of Cook County, Illinois, Case Number 12 D 330844.

3. On August 24, 2015, Bush filed a Petition for Interim Attorney's Fees for Guardian Ad Litem. A true and accurate copy of of said Petition for Interim Attorney's Fees for Guardian Ad Litem is attached hereto as **Exhibit A**.

4. On October 6, 2015, the Circuit Court of Cook County, Illinois entered an Order staying the matter until otherwise instructed by this Court. A true and accurate copy of said Order is attached hereto as **Exhibit B**.

5. Through August 3, 2015, Bush expended 43 hours and 10 minutes of office time and 68 hours and 30 minutes of court time in connection with representing the minor child.

6. Through August 3, 2015, Bush has earned reasonable fees as Guardian Ad Litem in the amount \$48,091.68, less payments received of \$5,000.00, leaving a balance owed to Bush from Debtor and Richard J. Heimer in the amount of \$43,091.68. A statement of the amount due is attached hereto as **Exhibit C**.

7. The Bush Guardian Ad Litem fees owed by Debtor were incurred to protect the rights of the parties' minor child and for child support to benefit Debtor, her spouse, and the child.

8. The Debt due Bush is not dischargeable under Bankruptcy Code §523(a)(5). *See Levin v. Greco*, 415 B.R. 663, 666-67 (N.D. Ill. 2009) (Attorney fees of child representative, or guardian ad litem, appointed for a debtor's children in state court divorce action came within the scope of the Bankruptcy Code's definition of "domestic support obligations," and was not dischargeable in bankruptcy).

WHEREFORE, ANNA MARKLEY BUSH and BUSH & HEISE pray this Honorable Court enter an order to deny the dischargeability of any debt due to Bush and enter a judgment in favor of Bush against Jessica May Heimer for \$43,091.68 plus costs and for such other relief that this Court deems just and proper.

Respectfully Submitted,

ANNA MARKLEY BUSH and
BUSH & HEISE

by:

/s/ Ross D. Secler
Ross D. Secler

ROSS D. SECLER, ESQ.

HOFFENBERG & BLOCK, LLC

30 North LaSalle Street, Suite 3250

Chicago, Illinois 60602

Telephone: (312) 853-8000

Fax: (312) 853-8008

rsecler@hoffenbergandblock.com

ARDC No. 06313944